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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

NAOKI SHUTOH, ET AL.

: EXAMINER: DIAMOND, ALAN D.

SERIAL NO: 10/629,624

:

FILED: JULY 30, 2003

: GROUP ART UNIT: 1753

FOR: THERMOELECTRIC MATERIAL
AND THERMOELECTRIC ELEMENT

:

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated August 22, 2006, Applicants provisionally elect with traverse the species I, a thermoelectric material which is represented by composition formula (1), for further examination on the merits. Applicant identifies Claims 1, 2, 3, 4 and 17 as readable on the species I. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may